

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO. 2192 OF 2022

Mr. Gotya Bandya Kale

..Applicant

v/s.

The State of Maharashtra .

..Respondents

Mr. Ghansham Jadhav for the Applicant.

Mr. A.A.Palkar, APP for the State.

CORAM : ANUJA PRABHUDESSAI,J.

DATED : 30th NOVEMBER, 2022.

P.C.

1. This is an application for bail filed under Section 439 Cr.P.C. by the aforesaid applicant, who is facing trial in Sessions Case No. 160 of 2017 pending on the file of the learned Addl. Sessions Judge, Baramati, for the offences punishable under Section 395, 397 of the Indian Penal Code and Section 3(1)(ii), 3(4) of the Maharashtra Control of Organized Crime Act.

2. Heard Mr. Jadhav, learned Counsel for the applicant and Mr. Palkar, learned APP for the State.

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3. The crime against the applicant was registered pursuant to the FIR dated 28.03.2017 , lodged by Mahadev Lonkar. The complainant had stated that between the intervening night of 27th and 28th March, 2017 at about 3.30 a.m., two unknown persons entered his house , while one waited outside. They took away gold ornaments worth Rs. 1,12,000/- and a mobile phone from his house. In the course of investigation, it transpired that the offenders had committed robbery in two other houses i.e. of Anita Jagdale and Kavita Kamble.

4. The records prima facie indicate that the co-accused Sagar Pawar was arrested and in the disclosure statement recorded under Section 27 of the Indian Evidence Act, he had named 11 other accused, including the present applicant. It is on the basis of the said statement that the present applicant has been arrayed as an accused. It is not in dispute that no identification parade was held and nothing has been recovered from the applicant. Thus, apart from the statement of the co-accused, there is prima facie no incriminating material to link the applicant with the said crime. The applicant is in custody since 30.04.2019. It is stated that charge is recently framed. Considering the large pendency, the trial is not likely to be concluded in immediate future.

Under the circumstances, in my considered view, this is a fit case for grant of bail. Hence the application is allowed on the following terms and conditions:-

- (i) The applicant who is facing trial in Sessions Case No.. 160 of 2017 pending on the file of the learned Addl. Sessions Judge, Baramati, is ordered to be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twentyfive Thousand Only) with one or two sureties in the like amount;
- (ii) The Applicant shall report to the police station on every 1st Monday of the month between 11.00 a.m. to 02.00 p.m. till framing of the charge;
- (iii) The applicant shall not interfere with the complainant and the other witnesses and shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;
- (iv) The applicant shall keep the Trial Court/ Investigating Officer

informed of his current address and mobile /contact number and/or change of residence or mobile details, if any, from time to time.

(v) The applicant shall co-operate with the conduct of the trial and attend the trial Court on all dates, unless exempted.

. Bail application stands disposed of in above terms.

(ANUJA PRABHUDESSAI, J.)